

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

EDDY S. HARRIS, SR.

PLAINTIFF

v.

NO. 4:07CV00601 JLH

CITY OF LITTLE ROCK, ARKANSAS;
LAWRENCE JOHNSON, Chief of Police of
Little Rock, Arkansas; RONNIE SMITH,
Detective of the Little Rock Police Department;
and JOHILDA HARRIS

DEFENDANTS

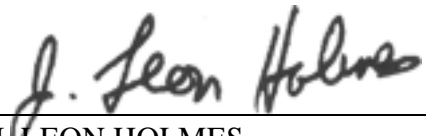
ORDER

On October 23, 2007, the Court entered an Order directing the United States Marshals Service to serve summons and complaint on the three defendants either in person or by certified mail, restricted delivery, addressed to the two individual defendants for service on each of them and to Mark Stodola, Mayor of the City of Little Rock, for service on the City of Little Rock. The United States Marshals Service did not comply with that Order. The United States Marshals Service, for the second time in this case, attempted to serve summons and complaint by certified mail without restricting delivery to the addressee or an agent of the addressee as required by Rule 4 of the Arkansas Rules of Civil Procedure and Rule 4 of the Federal Rules of Civil Procedure, which incorporates the state rule by reference. Now the defendants have moved to dismiss the action because service was not properly effected within 120 days as required by Rule 4(m). The motion to dismiss is DENIED. Document #22. The failure to accomplish service is not the fault of the plaintiff.

The Court hereby directs that the United States Marshals Service serve summons and complaint upon Lawrence Johnson by delivering a copy of the summons and complaint to him

personally. The Court hereby orders that the United States Marshals Service serve summons and complaint upon Ronnie Smith by delivering a copy of the summons and complaint to him personally. The Court hereby orders that the United States Marshals Service serve the City of Little Rock by delivering a copy of the summons and complaint to Mark Stodola, Mayor of the City of Little Rock, personally.

IT IS SO ORDERED this 30th day of November, 2007.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE